1: Herskovits E-4, 5 (1934) 1937 SV3 Haiti SV3
Mitchalais

he is assured of more solicitous care from her and more deferential treatment from her children. And though when this has occurred his "legal" wife may at his death come with a justice of the peace to claim his body and his effects, this move is anticipated, so that what he has given the *placée* wife and her children is usually well out of the way. "Often they find only the four walls of the house."

A certain number of unmarried men result from this system of plural matings, some of whom remain single by preference, particularly in the cities, where the incidence of homosexuality far exceeds that found in the country. In Mitchalais itself, when the final withdrawal of the American Marines from Haiti was being celebrated, a dance called *mazuba*, significantly enough the only one held indoors, was one in which male dancers danced together in couples. The sexual problem of the younger unmarried men is more often solved by means of liaisons with married women, though this has its dangers in the countryside, where the movements of every individual are known and the least tendency to unsanctioned social behavior is soon the subject for widespread gossip. Prostitutes are found everywhere, and they are by no means visited by unmarried men alone. On the whole, sex "adventures" are more indulged in by men than women, even allowing for the tendency of some women to have affairs with youths. A belief widely held, that plural wives tend so to exhaust the virility of a man that he must seek "remedies" of a magical nature from the priests of the *podun* cult and from sorcerers, must also be mentioned. Frigidity is a principal cause for female homosexuality, and, because of a wife's reluctance to satisfy her husband, it not infrequently happens that she is sent back to her parents, where she may seek out other women. The most prevalent Haitian attitude toward homosexuality in either sex, it may be remarked, is one of derision rather than vindictiveness, as the term applied to effeminate men, *commères*, may suggest.

3: Leyburn Z-4, 5 (no date) 1966
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to appoint curés to the vacant parishes. His independence of action could not fail to give offense to Church authorities. One of his first appointees was a black ex-slave, Félix, who had been a drum major in the native army. Félix was made curé in the important town of Saint-Marc.

The constitution of his empire (May, 1805) indicates that Dessalines did not intend to make himself head of the Church, but rather planned a complete separation of Church and State. Article 50 reads: "The law admits no dominant religion"; while the next article grants freedom to all cults and refuses state support to any denomination or minister. No attack was made, therefore, upon Catholicism, yet the disestablishment of that Church was a serious blow to its prestige. Not in the specific provisions regarding religion was the Church most weakened, but rather in the "liberality" of articles dealing with actions upon which the Church had taken a firm moral stand. Thus Article 14 declared that "marriage is an act purely civil and authorized by the government," while Article 15 permits divorce by the state. Early laws of the empire still further undermined the position of Church doctrine. Illegitimate children were granted the same legal rights as legitimate ones—a generous provision which removed one of the strong reasons for marriage; separation of husband and wife except by divorce was forbidden, and this prohibition practically encouraged the divorce disapproved by the Church; finally, the grounds upon which divorce might be allowed were broader than those existing anywhere else in the Western World at the time: mutual consent, application from one party to the marriage, or simple allegation of incompatibility of temperament or character.

From the promulgation of this constitution in 1805 and for the next fifty-five years, Haiti was in open schism from the Roman Catholic Church. The Holy See refused to recognize either the Haitian state or the provisions of its constitution, and it declined to allow priests to enter the country. Certain Haitian presidents were friendly enough to Catholicism, and others were openly desirous of reëstablishing a state religion, but the breach once made was not healed by mere good wishes. The longer the schism endured, the farther the people grew away from the doctrines and practices of a religion in which they had never been firmly grounded. At the moment of independence, when all minds were more open to new

3: Leyburn Z-4, 5 (no date) 1966
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Christophe had a great deal more to say about religion than any of the other early Haitian rulers. In a speech following the promulgation of his constitution, after severe censure of the government of Dessalines, he said:

> It is necessary to raise again the dignity of religion, for weakened morals leave young people open to the licenses of their age. Liberty has been assailed by traitors, enemies of their fellow citizens, and sold to our cruelest enemies. It is assured to you now, have no doubt! Shortly you will see these vicious men and their criminal efforts vanish like clouds.
>
> Public education, after religion and liberty the most precious benefit mankind enjoys, will be reanimated and sustained by morality; it will again be held in honor and reverence amongst us. Divorce, that traitor among customs, is rigorously prohibited and proscribed forever.[5]

Like Pétion, Christophe made the Catholic Church official, but he indicated the dictatorial path he intended to follow by adding that no ecclesiastical decree or law might become effective without the consent of the President.[6] He completely overturned the law of Dessalines concerning illegitimate children; his decree deprived such offspring of any claims of inheritance whatever.[7] In a country where practically no one had been legally married such a ruling was severe, but Christophe hoped that his severity would force his subjects into wedlock, and this the Catholic Church was bound to approve.

Making the Church official did not strengthen its hold upon the people. In 1814 (seven years after he had promised "to raise again the dignity of religion") the kingdom was served by only three priests, one of whom Christophe had named archbishop. The King was preoccupied with form, and having created a nobility he needed a church to lend dignity to his realm. Consequently in 1811 he reorganized the clergy in his kingdom, establishing an archiepiscopal see and three bishoprics. The reorganization, except for the archbishop, remained a paper plan because the Pope refused to cooperate by giving the schismatic church his approval.

All the early rulers seem to have been rather innocent in their dealings with Rome. They felt, apparently, that as heads of state they had but to express a desire in order to have His Holiness ap-

5. This speech, made on February 18, 1807, is cited in Thomas Madiou, *Histoire d'Haïti* (Port-au-Prince, 1848), II, 314-315.
6. See the law of March 18, 1807.
7. Law of March 25, 1807.

3: Leyburn Z-4, 5 (no date) 1966
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must pass to an illegitimate child if recognition is accorded. It is likewise strong in its harmony with actual conditions: in the absence of legal marriage among the people, it would have been manifestly unfair to favor a few fortunate children. Dessalines argued that the revolution had legitimized all Haitians; that it was unjust to prevent a child's inheriting from the person who had given him life; and that since all Haitians had come out of slavery and degradation into freedom, no new inequalities should be instituted.[4]

If this law encouraged family life, it weakened marriage both of the civil and religious kind: where was the sense in the expensive luxury of a wedding when children were just as legitimate without it? By conforming to folk practice the Emperor confirmed it. Only the aristocrats disliked his law, for it seemed to make light of one of the distinctions they cherished—the formal wedding. It irked them to have the State place a casual child upon an equal plane with one born after proper marriage.

At still another point the law accorded with living conditions at the time. During the years of fighting many men had been killed, and always the large standing army kept thousands of others away from settled farm life. Home, then, was for a child the abode of his mother—a fact recognized by the law's insistence upon maternal relationship rather than paternity. Such a word as "matriarchate" has no place here; but from the days of Dessalines to modern times, the lowly Haitian thinks of his home primarily as where his mother lives.

As if the advantages of formal wedding were not already sufficiently weakened by this law, other enactments of the empire struck at other phases of marriage. Divorce was permitted for adultery, for incompatibility of temperament or character, and by mutual consent. Such provisions not only broke away completely from Catholic practice, but made getting out of wedlock a casual matter of taking an oath. The complaint of incompatibility need be made by only one spouse; "mutual consent" as a ground for divorce was probably not allowed in 1805 in any other country of the Western World.

Dessalines did not appear to care one whit for the good opinion of white foreigners. It sufficed for him if Haiti endured, whatever Europeans thought of her. Christophe, on the other hand, was extremely sensitive to foreign disapproval. Many of his official acts can

4. According to the testimony of Madiou, *op. cit.*, III, 226.

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it seems not radically to have affected the masses but only the fairly well-to-do.

The *Royal Almanac* for the year 1814 touches proudly upon the moral state of the kingdom. The author of the almanac, the Comte de la Limonade, says: "Great attention is paid to morals and manners. Marriage is honored, protected, and encouraged; no Haitian who is unmarried can fill any place of distinction. Divorce is not permitted." All this was true; yet the mass of Haitians still remained unmarried. Nevertheless, the quotation indicates the extent to which Christophe had gone in his effort to reform marriage and morals among his people; to set them in the European tradition and draw them out of their African and colonial backgrounds.

While Christophe was trying to effect reforms in the North, Pétion was accepting his Southern folk as they were. Hardly a law during his twelve-year administration touches the subject of marriage. The élite colored people continued to make proper legal marriages and so insure the inheritance of their legitimate children. The common folk lived their family lives without weddings, and if property questions arose, custom ruled, backed by public opinion in their little communities.

Such are the backgrounds out of which modern Haitian sex relations have developed. From African tradition came family life, the importance of property to stabilize a union, insignificance of a wedding ceremony, familiarity with matrilineal kinship and descent; from French colonial practice, formal marriage to establish a family with social ambition, casual sex relations for pleasure outside this marriage, the claim of legitimate children to all property (in contrast to folk custom, where few legitimate children were born); from Dessalines, an emphasis upon the African tradition and realism; from Christophe, an insistence upon strict French practice in marriage and in the passage of property.

From among these alternatives Haiti made a choice which is an excellent example of what Keller calls "automatic selection in the mores."[1] There was no congress to select one procedure rather than another. Because Pétion and Boyer followed a *laissez-faire* policy in social matters, the people took the path of least resistance.

1. A. G. Keller, *Societal Evolution* (revised ed., New York, 1931), chaps. IV and V.

3: Leyburn Z-4, 5 (no date) 1966
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562 The male, by contrast, is master in all matters, including those pertaining to home life. Obviously, he is much freer in his sexual life than is his wife.

• 586 Divorce is comparatively rare, thanks to the careful solicitude of all parties before formal marriage is contracted, and to the disapproval of the Catholic Church. Since the husband is not, by custom or by public opinion, bound to limit his sexual attentions to his legal [537] wife, one of the common causes of divorce is removed. The code allows formal divorce to the husband for the wife's adultery, and to the wife for her husband's adultery "when he shall bring his concubine into the common dwelling house." Both spouses may secure [587] divorce for excess, for injurious cruelty, for life sentences imposed by a court—"*peines afflictives et infamantes.*" A woman whose marriage has been dissolved by divorce cannot remarry before the expiration of one year, nor is she permitted to remarry her former husband. [562] The opposition of the Church to divorce is a distinct deterrent to [771] women who crave freedom, for women are generally the more devout members of the Church.